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In re the Matter of:) Case No.: 08-379
)
State of New Hampshire Banking)
)
Department,)
) MOTION TO STAY
Petitioner,)
)
and)
)
Carteret Mortgage Corporation, Eric E.)
)
Weinstein, Albert L. Elder, Jessica)
)
Harrington, and Stephen Bianco,)
)
Respondents)
)

I. The staff of the New Hampshire Banking Department (hereinafter referred to as the "Department") alleges the following facts:

- II. The staff of the Department alleges the following issues of law:

- Motion to Stay - 1

action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title."

2. The Bankruptcy Code is silent as to the continuation of regulatory or other actions that arise against individuals in the bankruptcy petitioner's employment who have not themselves submitted a Bankruptcy Petition.

RELIEF REQUESTED

III. The staff of the Department requests the Bank Commissioner take the following action:

1. Find as fact the allegations contained in Section I herein;
2. Make conclusions of law relative to the allegations contained in Section II herein; and
3. Stay the previously issued order consistent with the provisions of Section 362 of the U.S. Bankruptcy Code against Respondent Carteret Mortgage only; and
4. Schedule a hearing for Respondents Eric E. Weinstein, Albert L. Elder, Jessica Harrington, and Stephen Bianco (collectively "Remaining Respondents"), after request for continuance of the October 9, 2008 hearing is made from all such Remaining Respondents, or find each of them in default on expiration of the time period in the original notice; and
5. Take such other administrative and legal actions as are necessary for enforcement of the New Hampshire Banking laws, the protection of New Hampshire citizens, and to provide other equitable relief.

1 Respectfully submitted by:

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3
4 /s/
5 Maryam Torben Desfosses
6 Staff Attorney

10/07/08
Date

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8
9 **SO ORDERED,**

10
11 /s/
12 Peter C. Hildreth
13 Bank Commissioner

10/07/08
Date